

## REMARKS

### *Status of the Claims*

Claims 1-8 are pending with Claims 1 and 8 being independent. Claims 1, 2, and 8 have been amended. Support for the claim changes can be found in the original disclosure, for example, at page 15, line 19 through page 16, line 15, and therefore no new matter has been added.

### *Requested Action*

Applicants respectfully request the Examiner to reconsider and withdraw the outstanding rejections in view of the foregoing amendments and the following remarks.

### *Claim Rejections*

Claims 1-6 and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2003/0090750 (Takahashi) in view of U.S. Patent No. 6,862,039 (Shimizu), and U.S. Patent No. 5,146,323 (Kobori). Claim 7 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over the citation to Takahashi in view of the citations to Shimizu and Kobori, and U.S. Patent No. 7,133,070 (Wheeler).

In response, while not conceding the propriety of the rejections, independent Claims 1 and 8 have been amended. Applicants submit that as amended, these claims are allowable for the following reasons.

Independent Claim 1 relates to an image pickup device comprising an imaging device, an instruction unit that instructs the selection of a given chromatic color area on a

photography screen, a storage unit that stores a plurality of correction values which correspond to a plurality of persons' skin colors, respectively, wherein each of the correction values is information about a skin color axis for each of the plurality of different persons' skin colors, a selection unit that selects one of the plurality of persons' skin colors, and a white balance processing unit.

Claim 1 has been amended to recite that the white balance processing unit specifies a color detection range of a skin color on the basis of the skin color axis information which is the correction value stored in the storage unit and corresponds to the person's skin color selected by the selection unit, and conducts white balance processing in accordance with a white balance coefficient that corresponds to a color temperature of the light source obtained on the basis of the specified color detection range and an output signal of the imaging device representing a parameter of the selected given chromatic color area.

In contrast, the citations to Takahashi, Shimizu, and Kobori are not understood to disclose or suggest a white balance processing unit that specifies a color detection range of a skin color on the basis of the skin color axis information which is the correction value stored in the storage unit and corresponds to the person's skin color selected by the selection unit, and conducts white balance processing in accordance with a white balance coefficient that corresponds to a color temperature of the light source obtained on the basis of the specified color detection range and an output signal of the imaging device representing a parameter of the selected given chromatic color area, as recited by amended Claim 1.

Page 4, lines 6-8 of the Office Action admits that the references to Takahashi, and Shimizu “do not disclose each of the correction values is information about a skin color axis for each of the plurality of different persons' skin colors which is stored in said storage unit.” For this reason, page 4, lines 9-20 of the Office Action cites Figures 8-11 and column 8, line 37 to column 9, line 46 of the reference to Kobori to show that “each of the correction values (skin color reference signal) is information about a skin color axis for each of the plurality of different persons' skin colors”. This portion of the Kobori patent is understood to disclose that a white balance control coefficient is generated based on an extracted skin color signal (an output of averaging means 1103) and a skin color reference signal (from a skin color reference signal generator 1106 selected by a switch 1105). However, this portion of the Kobori patent is not understood to disclose the use of the skin color reference value or the skin color reference signal generator 1106 to extract a signal corresponding to a skin color by skin color extracting means 1102. Therefore, this portion of the Kobori patent is not understood to disclose or suggest specifying the color detection range of the skin color on the basis of skin color axis information which is the stored correction value and corresponds to the selected person's skin color, as recited by amended Claim 1. As a result, neither this citation nor the citations to Takahashi or Shimizu are understood to disclose or suggest the white balance processing unit recited in the amended Claim 1.

Accordingly, amended Claim 1 recites at least one feature not understood to be disclosed or suggested by the citations to Takahashi, Shimizu, and Kobori. Therefore, the Office is not yet understood to have established a prima facie case of obviousness against amended Claim 1, since MPEP § 2142 requires the cited art to disclose or suggest all the

claimed features to establish a prima facie case of obviousness. As a result, Applicants respectfully request that the rejection of amended Claim 1 be withdrawn. And since corresponding method Claim 8 has been amended in a similar manner, Applicants respectfully request that the rejection of amended Claim 8 also be withdrawn.

The dependent claims are also submitted to be patentable, due to their dependency from the independent base claims, as well as due to additional features that are recited. Individual consideration of the dependent claims is respectfully solicited.

Applicants submit that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not presented earlier, because Applicants believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment, as an earnest attempt to advance prosecution and reduce the number of issues, is requested under 37 C.F.R. § 1.116.

### *Conclusion*

In view of the above amendments and remarks, the application is now in allowable form. Therefore, early passage to issue is respectfully solicited.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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